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DOCKET NO.: D0617.70012US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sato et al.
Serial No.: 10/661,156
Confirmation No.: 6772
Filed: September 11, 2003
For: KDR AND VEGF/KDR BINDING PEPTIDES AND THEIR USE
IN DIAGNOSIS AND THERAPY
Examiner: Anand U. Desai
Art Unit: 1653

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 27th day of January, 2006.

Emily E. Zukauskas
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Michael T. Sickman
Michael T. Sickman, Reg. No.: 36,276
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Docket No.: D0617.70012US00

Date: January 27, 2006

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Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Serial No.: 10/661,156
Conf. No.: 6772

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Art Unit: 1653

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

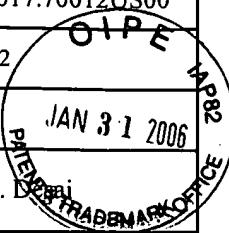
An early and favorable action is hereby requested.

Respectfully submitted,

By:


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Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: D0617.70012US00
Date: January 27 2006
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FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/661,156	ATTY. DOCKET NO.: D0617.70012US00
				FILING DATE: September 11, 2003	CONFIRMATION NO.: 6772
				APPLICANT: Sato et al.	
				GROUP ART UNIT: 1653	EXAMINER: Anand U. Devaraj
Sheet 1 of 4					

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	5,766,860		Terman, B. et al.	06-16-1998
	A2	5,769,080		Matthijs, O. et al.	06-23-1998
	A3	5,773,024		Unger, E. et al.	02-30-1998
	A4	5,855,866		Thorpe, P. et al.	01-05-1999
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	A6	5,935,820		Hu, J. et al.	08-10-1999
	A7	6,051,230		Thorpe, P. et al.	04-18-2000
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	A32	2002-0086013		King, G.	07-04-2002
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EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/661,156	ATTY. DOCKET NO.: D0617.70012US00
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				APPLICANT: Sato et al.	
				GROUP ART UNIT: 1653	EXAMINER: Anand U. Desai
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	A34	2002-0098187	A1	Ferrara, N. et al.	07-25-2002
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	A44	2004-0033949		Bunting, S. et al.	02-19-2004

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B1	EP	0 536 350	B1	American Cyanamid Company	08-07-2002	
	B2	EP	0 666 868	B1	Genentech, Inc.	04-03-2002	
	B3	EP	0 848 755	B1	Genentech, Inc.	06-11-2003	
	B4	EP	1 068 224	B1	Bristol-Myers Squibb Pharma Company	05-11-2005	
	B5	EP	1 238 986	A2	Genentech, Inc.	09-11-2002	
	B6	EP	1 166 798	A1	Schering Aktiengesellschaft	01-02-2002	
	B7	EP	1 166 799	A1	Schering Aktiengesellschaft	01-02-2002	
	B8	WO	94/10202	A1	Genentech, Inc.	05-11-1994	
	B9	WO	96/40285	A1	Imarx Pharmaceutical Corp.	12-19-1996	
	B10	WO	97/17442	A1	Immunex Corporation	05-15-1997	
	B11	WO	98/18498	A2	Nycomed Imaging AS	05-07-1998	
	B12	WO	98/18501	A2	Nycomed Imaging AS	05-07-1998	
	B13	WO	98/47541	A1	Nycomed Imaging AS	10-29-1998	
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	B15	WO	99/40947	A2	Resolution Pharmaceuticals Inc.	08-19-1999	
	B16	WO	99/58162	A2	Du Pont Pharmaceuticals Company	11-18-1999	
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	B18	WO	00/45856	A2	Imarx Pharmaceutical Corp.	08-10-2000	
	B19	WO	01/42284	A2	Metris Therapeutics Limited	06-14-2001	
	B20	WO	01/54723	A1	Sunnybrook Health Science Center	08-02-2001	
	B21	WO	01/62942	A2	Ludwig Institute for Cancer Research	08-30-2001	

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	B22	WO	01/64235	A1	Ludwig Institute for Cancer Research	09-07-2001	
	B23	WO	01/70268	A1	Glaxo Group Limited	09-27-2001	
	B24	WO	01/70945	A1	Sibtech, Inc.	09-27-2001	
	B25	WO	01/82870	A2	Ludwig Institute for Cancer Research	11-08-2001	
	B26	WO	01/83693	A2	Glaxo Group Limited	11-08-2001	
	B27	WO	01/91805	A2	Bracco Research USA	12-06-2001	
	B28	WO	01/97850	A2	Schering Aktiengesellschaft	12-27-2001	
	B29	WO	02/07747	A1	Joslin Diabetes Center	01-31-2002	
	B30	WO	02/028895	A2	Commissariat a l'energie atomique	04-11-2002	Y-Abstract
	B31	WO	02/057299	A2	Ludwig Institute for Cancer Research	07-25-2002	
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.	B33	WO	02/083849	A2	Human Genome Sciences, Inc.	10-24-2002	
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	B35	WO	03/074005	A2	Dyax Corp.	09-12-2003	
	B36	WO	03/094617	A2	Genentech, Inc.	11-20-2003	

OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	BIKFALVI et al., Interaction of vasculotropin/vascular endothelial cell growth factor with human umbilical vein endothelial cells: binding, internalization, degradation, and biological effects. <i>J Cell Physiol</i> 149: 50-59, 1991.	
	C2	FAIRBROTHER et al., Novel peptides selected to bind vascular endothelial growth factor target the receptor-binding site. <i>Biochemistry</i> 37(51): 17754-17764, 1998.	
	C3	FUKUMURA et al., Tumor induction of VEGF promoter activity in stromal cells. <i>Cell</i> 94: 715-725, 1998.	
	C4	HANAHAN et al., Patterns and emerging mechanisms of the angiogenic switch during tumorigenesis. <i>Cell</i> 86: 353-364, 1996.	
	C5	HOLMES et al., Site specific 1:1 opioid:albumin conjugate with in vitro activity and long in vivo duration. <i>Bioconjug Chem</i> 11: 439-444, 2000.	
	C6	KIM et al., Inhibition of vascular endothelial growth factor-induced angiogenesis suppresses tumour growth in vivo. <i>Nature</i> 362: 841-844, 1993.	
	C7	MELKKO et al., Encoded self-assembling chemical libraries. <i>Nat Biotechnol</i> . 2004 May;22(5):568-74.	
	C8	NEUFELD G et al., Vascular endothelial growth factor (VEGF) and its receptors. <i>FASEB J</i> 13: 9-22, 1999.	
	C9	PEPPER et al., Angiogenesis: a paradigm for balanced extracellular proteolysis during cell migration and morphogenesis. <i>Enzyme Protein</i> . 1996;49(1-3):138-62.	
	C10	RISAU et al., Mechanisms of angiogenesis. <i>Nature</i> 386: 671-674, 1997.	

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	C11	SCHAFFER et al., Assembly of high-affinity insulin receptor agonists and antagonists from peptide building blocks. Proc Natl Acad Sci U S A. 2003 Apr 15;100(8):4435-9.	
	C12	STRAWN et al., Flk-1 as a target for tumor growth inhibition. Cancer Res 56: 3540-3545, 1996.	
	C13	THOMAS et al., A peptide sequence on carcinoembryonic antigen binds to a 80kD protein on Kupffer cells. Biochem Biophys Res Commun 188: 671-677, 1992.	
	C14	VEIKKOLA et al., Regulation of angiogenesis via vascular endothelial growth factor receptors. Cancer Res 60: 203-212, 2000.	
	C15	MATSUDAIRA et al., Sequence from picomole quantities of proteins electroblotted onto polyvinylidene difluoride membranes. J Biol Chem. 1987 Jul 25;262(21):10035-8.	
	C16	ROBERTS M et al., Chemistry for peptide and protein PEGylation. Adv Drug Deliv Rev. 2002 Jun 17;54(4):459-76.	
	C17	SLEEP et al., <i>Saccharomyces cerevisiae</i> strains that overexpress heterologous proteins. Biotechnology (N Y). 1991 Feb;9(2):183-7.	

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. ___, filed ___, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]

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